

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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James R. Rose, #293938,

Plaintiff,

v.

Jon Ozmint, Director; and
Bernard McKie, Warden,

Defendants.

Civil Action No. 0:08-611-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On September 8, 2008, the Defendants filed a motion for summary judgment. Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Magistrate Judge issued an order advising the Plaintiff of the summary judgment procedure and the possible consequences of failing to respond adequately to the Defendants' motion. When the Plaintiff failed to respond to the Defendants' motion, the Magistrate Judge entered another order on November 10, 2008, giving the Plaintiff an additional fifteen (15) days within which to advise the Court as to whether he wished to continue with the case and to file a response to the Defendants' motion. The Plaintiff was warned that if he failed to respond, the Magistrate Judge would recommend that his case be dismissed with prejudice. The order, which was mailed to the Plaintiff at his address on record, was returned to the Clerk of Court on November 18, 2008, marked as undeliverable by the United States Postal Service.

Therefore, on December 1, 2008, the Magistrate Judge issued a report and


recommendation ("R&R") analyzing the case and recommending that the Court dismiss the complaint with prejudice. In the R&R, the Magistrate Judge noted that when the Plaintiff filed the present action, he was specifically instructed to keep the Court advised in writing of any address change, and that a failure to keep the Court advised of any address change could result in his case being dismissed. Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within ten (10) days of the date of service of the R&R. The R&R was mailed to the Plaintiff's address on record; however, it was returned to the Clerk of Court on December 9, 2008, marked as undeliverable. To date, the Plaintiff has not updated the Court of any change of address; moreover, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that the Plaintiff's complaint is dismissed with prejudice.

IT IS SO ORDERED.

December 22, 2008
Charleston, South Carolina


The Honorable Sol Blatt, Jr.
Senior United States District Judge

